

TIPP CITY COUNCIL MEETING

TIPP CITY, MIAMI COUNTY, OHIO

NOVEMBER 19, 2007

Roll Call

President William D. Beagle called to order the regular meeting of the Tipp City Council at 7:32 p.m. Roll call showed the following Council Members present: Rick Mains, Jr., Vickie K. Blakey, Donald H. Ochs, William D. Beagle, Mayor George H. Lovett, Tim Evans, and Patrick Hale.

In attendance: City Manager David A. Collinsworth, Law Director Joseph P. Moore, Police Chief Tom Davidson, Finance Director Richard Drennen, Assistant City Manager Bradley C. Vath, Utilities Director M. J. Eichman, Assistant Utilities Director Christy Butera, Fire Chief Steve Kessler, *Dayton Daily News* reporter Nancy Bowman, *Tipp Herald* reporter Mike Kelly, and Clerk of Council Misty Cheshire.

Citizens signing the register included: Mark Mabelitini, Steven Chaney, Dee Gillis, April Bott, Kim Carter, Dean McClurg, John Kessler, Mike McFarland, Tom Dysinger, Mark Springer, Joe Bagi, and Joseph Kourne.

**Invocation and
Pledge of Allegiance**

Reverend Gary Boggs from First Baptist Church delivered the invocation. President Beagle led the Pledge of Allegiance.

Approval of Agenda

President Beagle moved to amend the agenda to add a resolution recognizing the City Manager's accomplishments, seconded by Mr. Evans. The motion carried. Mayor Lovett moved to amend the agenda to include a resolution to accept the City Manager's resignation, seconded by Mr. Hale. The motion carried. The amended agenda was approved by a vote of 7-0.

Adoption of Minutes

Mayor Lovett moved, seconded by President Beagle, to adopt the minutes of the November 5, 2007 Pre-Meeting Study Session. The motion carried 7-0.

Mr. Mains moved to adopt the minutes of the November 5, 2007 City Council Meeting, seconded by Mayor Lovett. The minutes were adopted by a vote of 7-0.

Minutes from the November 5, 2007, Post Meeting Study Session were unanimously approved with a motion made by Mr. Evans, seconded by Mr. Hale.

Presentations
Tipp City Rotary
Donation

On behalf of the Tipp City Rotary Club, Ms. Carter presented a check in the amount of \$10,000 to the City for the construction of the gazebo in Veterans Memorial Park. Mayor Lovett moved to accept the donation, seconded by Mr. Mains. The motion unanimously carried.

Ordinances
(Second Reading and
Public Hearing)
Capital Improvement
Plan 2008-2012

The following ordinances were presented to City Council for second reading and public hearing.

Ordinance 39-07: An ordinance adopting the 2008-2012 Capital Improvement Program for the City of Tipp City, Ohio.

SEE NEXT PAGE

Clerk of Council Summary: City Council reviewed the proposed update to the City's five-year Capital Improvement Program for 2008 through 2012, in an October 22, 2007 Workshop.

City Manager Report: By City Charter, Council's consideration of the five year plan is to precede the review of the annual operating budget by one month. Mr. Collinsworth noted that the plan was reviewed and recommended for approval by the City's Planning Board at their October meeting. He noted that Council made no adjustments to the proposed plan as a result of the workshop discussion so it can be adopted without amendment. Mr. Collinsworth then highlighted several aspects of the plan including revenue sources. He noted that the plan's largest allocations were for street improvements and equipment.

President Beagle thanked staff for the hard work that went into preparing the Capital Improvement Plan.

There being no further discussion, Mayor Lovett sponsored this ordinance and moved for its adoption, seconded by Mr. Mains. The motion unanimously carried, 7-0. Ordinance 39-07 was declared passed and President Beagle affixed his signature in witness thereto.

The following resolutions were presented to City Council for adoption.

Resolution No. 38-07: A resolution authorizing the City Manager to contract for a four year period with the Tipp-Monroe Cable Access Commission.

Clerk of Council Summary: This resolution authorizes the City Manager to enter into a contract with the Tipp-Monroe Cable Access Commission for public access television programming services. Cable franchise fees will be used to pay for these services.

City Manager Report: This contract will renew Tipp City's four-year service agreement with the Tipp-Monroe Cable Access Commission. Mr. Collinsworth noted that the current agreement expires at the end of 2007. The proposed agreement would run from January 1, 2008 through the end of 2011. He reported that the base payment would increase from \$22,000 for 2008 and 2009 and bump to \$23,000 in 2010 and 2011 with the capital allowance varying from \$5,000 to \$3,000 per year.

There being no further discussion, Mr. Hale sponsored this resolution and moved for its adoption, seconded by Mr. Mains. The motion carried with a vote of 7-0. Resolution 38-07 was declared passed and President Beagle affixed his signature in witness thereto.

Resolution 39-07: A resolution to approve the form and authorize the execution of a power sales contract with American Municipal Power-Ohio, Inc. and taking other actions in connection therewith regarding the Prairie State Energy Campus.

Clerk of Council Summary: This AMP-Ohio sponsored project was reviewed with Council at the November 5th Study Session.

**Resolutions
(One Reading
Required)**

Resolution 38-07
Cable Access
Commission

Resolution 39-07
Power Supply
Purchase – Prairie
State

Construction of this pulverized coal fired plant will be completed and in service sometime in 2012.

City Manager Report: Beginning this summer, Council heard several presentations from AMP-Ohio, the City's power supply planning firm Sawvell & Associates, as well as City staff concerning the securing of long-term power supplies for the Electric system. In August, Council authorized the City's participation in the AMP-Ohio Generating Station project (AMPGS) to undertake the construction of 1000 Mega-watt (MW) coal-fired plant in Meigs County, Ohio. Under this arrangement, the City anticipates receiving up to 12 MW's of energy beginning in 2013. Mr. Collinsworth noted that this represented about half of Tipp City's current base load. To supplement future base-load supply, AMP-Ohio has participated in two additional generation projects: the Prairie State project in southern Illinois and the AMP-Ohio owned Hydro projects along the Ohio River. The Prairie State Energy Campus project is being developed through a consortium of municipal, rural co-op and to a much lesser degree, investor-owned interests associated with the project developer. It represents a 1600 MW pulverized coal fired plant that will be sited at the mine mouth that includes a 30-year minimum commitment of coal reserves. Construction of this plant is scheduled to begin immediately with a completion and in-service date of 2012. AMP-Ohio's energy allotment in this project is 368 MW's, of which Tipp will obligate for up to 10 MW.

President Beagle asked if the Prairie State project was not completed or if there were delays in the project, would the City's only choice would be to turn to the open market to purchase power. Mr. Eichman stated that the Prairie and Hydro projects have conservative schedules. With the expiration of several long term power supply contracts the City may be faced with the possibility of purchasing power from the open market if the Prairie and Hydro projects are not online. Mr. Eichman stated that the City would likely have to purchase portion a of its power supply from the open market even with the proposed projects. Cooperative purchases through AMP-Ohio and Western Area Service Group aggregate the best prices for the City.

Mayor Lovett stated that there has been a lot of criticism about coal lately, he asked Mr. Eichman to explain why coal is the best choice for the City at this time. Mr. Eichman stated that both generating stations use the best available technologies known at this time. Omissions projected from the new plants are 90% cleaner than omissions from existing coal power. Prairie State has 1/5 the omissions of the existing power plants. He noted that the City will continue to seek other sources of power. He stated that current mix will allow the City to maintain a suitable baseload power supply.

There being no further discussion, Mayor Lovett sponsored this resolution and moved for its adoption, seconded by President Beagle. The motion carried with a vote of 7-0. Resolution 39-07 was declared passed and President Beagle affixed his signature in witness thereto.

Resolution 40-07
Power Supply
Purchase – Hydro

Resolution 40-07: A resolution to approve the form and authorize the execution of a power sales contract with American Municipal Power-Ohio, Inc. and taking other actions in connection therewith regarding hydroelectric project participation.

Clerk of Council Summary: This project was also reviewed at the November 5th Study Session attended by City Council. This resolution authorizes the City's participation in an AMP-Ohio sponsored plan to construct and operate a series of hydro-electric generating stations along the Ohio River.

City Manager Report: The final of three AMP-Ohio owned generation projects involves 191 MW's sited at three separate "run of the river" conventional hydro-electric plants. Mr. Collinsworth reported that these three projects will dot the Ohio River between southeastern Ohio and southern Illinois. Construction is scheduled to begin on these projects next spring and the projected in-service date is 2012. Tipp's projected take is 3.6 MW's. This project along with the Prairie State project was reviewed in detail at the November 5th Study Session.

There being no further discussion, Mr. Evans sponsored this resolution and moved for its adoption, seconded by Mr. Mains. The motion carried with a vote of 7-0. Resolution 40-07 was declared passed and President Beagle affixed his signature in witness thereto.

Resolution 41-07
Acting City Manager

Resolution 41-07: A resolution appointing and establishing compensation for the position of Acting City Manager pursuant to Tipp City Charter Section 5.07.

Clerk of Council Summary: This resolution designates Assistant City Manager Brad Vath to serve in the capacity of Acting City Manager until a permanent City Manager has been appointed and includes a \$200 per pay increase for the additional duties.

City Manager Report: Mr. Collinsworth stated that his last day of service with Tipp City would be December 2nd. Pursuant to Section 5.07 of the City Charter, City Council would need to take formal action to appoint an Acting City Manager to serve during the interim period until a permanent successor has been appointed. This resolution designates Assistant City Manager Brad Vath to serve in this capacity, and provides for an increase of \$200 per pay for the additional duties.

There being no further discussion, President Beagle sponsored this resolution and moved for its adoption, seconded by Mr. Hale. The motion carried with a vote of 7-0. Resolution 41-07 was declared passed and President Beagle affixed his signature in witness thereto.

Resolution 42-07
City Manager
Recognition

Resolution 42-07: A resolution recognizing David A. Collinsworth for outstanding service to the City of Tipp City, Ohio.

Mayor Lovett stated that a successful City Manager needed to have high level of technical competence and a good degree of interpersonal skills and in the 10 years he has known Mr. Collinsworth he has seen an ample demonstration of both. Mayor Lovett came to know Mr. Collinsworth while serving on the Airport Task Force where Mr. Collinsworth's leadership calmed people's concerns and found constructive solutions to problems. Mr. Collinsworth has demonstrated his technical competence through the Aquatic Center and Water Treatment Plant projects. Mr. Collinsworth's interpersonal skills are reflected in the willingness of three department heads with over 30 years of service willingness to continue working for Mr. Collinsworth. Mayor

Lovett noted that Mr. Collinsworth had been able to provide a high level of service to the City with less than a 1.25% income tax rate, which is significantly below the regional average. Mayor Lovett presented Mr. Collinsworth with a framed resolution and plaque for his nearly 11 years of service to the City.

There being no further discussion, Mayor Lovett sponsored this resolution and moved for its adoption, seconded by Mr. Evans. The motion carried with a vote of 7-0. Resolution 42-07 was declared passed and President Beagle affixed his signature in witness thereto.

Motion to Accept City
Manager's Resignation

President Beagle moved to accept the resignation of City Manager David A. Collinsworth, seconded by Mayor Lovett. The motion passed with a vote of 7-0. *(The agenda was amended to address this action as a resolution, which was not needed. It is appropriate to accept a resignation by motion.)*

**Ordinances
(First Reading)**

The following ordinances were presented to City Council for first reading. The second reading and public hearing will be held on December 3, 2007.

Appropriation
Reduction

Mr. Hale sponsored an ordinance reducing the appropriations in Ordinance No. 42-06.

Clerk of Council Summary: The Ohio Revised Code requires municipalities to reduce appropriations in line with realized revenues. This ordinance authorizes the necessary reduction in appropriations of \$147,675 within the Parks Capital Improvement Fund for the Kyle to Canal Lock bike path and Kyle Park restroom projects.

City Manager Report: Each year the City files a certificate of estimated resources which attempts to project expected revenues in various funds throughout the year. While the City may exceed those projections, receiving less than projected requires that the appropriations be reduced per the Ohio Revised Code. Mr. Collinsworth noted that this year's reduction concerned \$147,675 appropriated within the Parks Capital Improvement Fund for the Kyle to Canal Lock bike path and Kyle Park restroom projects. In both cases, Tipp will not be receiving grants within the 2007 fiscal year for these projects as originally budgeted. Therefore the City will need to reduce appropriations for those projects by a total of \$147,675.

Supplemental
Appropriation

President Beagle sponsored an ordinance supplementing the appropriations in Ordinance No. 42-06.

Clerk of Council Summary: This ordinance authorizes an increase of appropriations for various funds of the City to supplement the 2007 fiscal year budget in the total amount of \$112,600.

City Manager Report: FY2007 year end financial adjustments include making supplemental appropriations in various funds where staff anticipates appropriations being insufficient by December 31. This year, those supplemental appropriations include \$23,600 for the General Fund, \$9,000 for the Contractor Maintenance Deposit Fund and \$80,000 for the Water Fund, for a grand total of \$112,600. Mr. Collinsworth

2008 Pool Pass Rates

compared this amount to the City's original total 2007 appropriations of \$25,323,457.

Mr. Mains sponsored an ordinance establishing seasonal and daily pass rates and related usage fees and charges for patrons of the Tippecanoe Family Aquatic Center.

Clerk of Council Summary: This ordinance establishes a fee schedule for daily, seasonal, and special use admissions to the Tippecanoe Family Aquatic Center in 2008.

City Manager Report: At a November 5th study session, Council reviewed proposed changes to the admission fees and pass rates for the Family Aquatic Center for 2008. Pre-season pass rates will remain the same and modest adjustments are recommended for the regular rates for all pass classifications. Mr. Collinsworth stated that he also revised the amount in section 3 of the ordinance concerning pass donations from \$2500 to \$3500. The purpose behind this change was that the City offered the Library free one-day admissions for up to 700 participants in their summer reading program. At the \$4.00 admission rate, the value of that single donation alone is \$2800. The City typically donates \$400-\$500 per year over and above that for various other civic, community or non-profit entities.

N. Hyatt Street Replat
ROW Dedication

Mr. Evans sponsored an ordinance approving the replat of part of Inlot 1771 and accepting public right-of-way.

Clerk of Council Summary: The Planning Board voted to approve this replat at their November 13, 2007 meeting. Passage of this ordinance will result in the donation of an additional 20 feet of right-of-way along North Hyatt Street.

City Manager Report: Mr. Collinsworth noted that the Upper Room Worship Center is proposing to build a new church for their congregation on N. Hyatt Street, immediately north of the Windridge Apartments. The property in question is currently owned by Mr. John Caine who plans to subdivide the 61 acre lot to provide a salable parcel of 6.9 acres to sell to the Church.

Mr. Collinsworth noted that this replat would include the dedication of roughly 20 feet of right-of-way, constituting 0.755 acres, to the City of Tipp City that will be utilized for the N. Hyatt Street Reconstruction project in 2008. At their November 13th meeting, the Planning Board voted to approve the preliminary plan as well as the final plan/subdivision for this parcel. The Board also previously approved a Special Use request by the Church since the property is currently zoned R-3.

Hunter's Ridge
Sanitary Sewer
Intervening User Fee

Mayor Lovett sponsored an ordinance establishing intervening user fees for the over sizing of the Hunter's Ridge PRD Sanitary Sewer.

Clerk of Council Summary: As part of the Hunter's Ridge PRD, the City agreed to a sanitary sewer main over sizing in the amount of \$17,149.18 to allow for more capacity. This legislation authorizes the recoupment of said over sizing expenses from intervening users who tap in to the system on a prorata basis.

City Manager Report: Mr. Collinsworth noted that at the time Hunters Ridge was being developed, the City negotiated into the Construction Agreement the provision of over sizing the sanitary sewer mains to provide capacity and service to future customers in that area. The area comprises just less than 286 acres running roughly from I-75 east to S. Tipp-Cowlesville between Evanston and Shoop. He noted that much of the area is outside the corporation limits of the City. The City paid to the developer a total of \$17,149.18 for this over sizing, which translates into a per acre cost of \$60.04. By adopting this legislation, the City will be able to recoup that investment as the affected properties tap-in to the system.

2008 Income Tax Levy

President Beagle sponsored an ordinance amending Ordinance No. 13-81, passed April 6, 1981, which ordinance was approved by the voters on September 8, 1981, and subsequently amended by Ordinance 24-02, passed July 15, 2002 and where such amendment is to permanently add one quarter of one percent (0.25%) to the present City of Tipp City Income Tax rate commencing January 1, 2009, the proceeds of which are to be used solely for the purposes of Capital Improvements including but not limited to repairing, replacing, improving, or expanding municipal roads, streets, alleys, storm water systems, buildings, structures or other physical assets, including vehicles and equipment, and to submit this ordinance to the electorate for approval or rejection at the March, 2008 election.

Clerk of Council Summary: This ordinance will authorize a tax levy to be placed before the voters of the City to increase the City's income tax rate by 0.25% for capital improvement expenditures. This question would go before voters at the March, 2008 election.

City Manager Report: Pursuant to Council's discussion at the November 5th study session as well as the August 20th mid-year financial review, this legislation would authorize the placement of a tax increase question before the voters of the City at the March 4, 2008 primary ballot. As with the May, 2007 levy attempt, this 0.25% increase is being proposed as permanent and dedicated specifically to capital improvements. The tax, if approved by the voters, will not go into effect until January 1, 2009.

Motions

Set Public Hearing
31 Wilhelm Street
Rezoning

Mayor Lovett moved to schedule a public hearing on December 17, 2007 for a rezoning request for the property located at 31 Wilhelm Street from I-2 to R-2, seconded by Mr. Hale. The motion unanimously carried.

Employee Holiday Gift
Certificates

President Beagle moved to continue giving \$50 holiday gift certificates to full-time employees and \$25 holiday gift certificates to part-time employees of the City noting that certificates are to be purchased at local groceries, seconded by Mayor Lovett. The motion unanimously carried.

Citizen Comments

Joseph Kourne, 1537 Beavercreek Lane, Kettering, Ohio, asked God to bless the troops and bring them home safely. He encouraged citizens to purchase products made in the United States to keep jobs in this country. He wished everyone a Happy Thanksgiving.

**Council Member
Comments**

Mr. Hale thanked Mr. Collinsworth for all the help he had provided during his first two years on City Council. He noted that the City has several board and commission vacancies and encouraged citizens to apply. More information and applications are available on the City's website.

Mr. Evans stated that it had been a pleasure to work with Mr. Collinsworth and he considered him a friend. He stated that he learned a lot through his wisdom and service and the community will greatly miss him. He stated that the City of Westerville was getting a competent and worthy individual. He wished Mr. Collinsworth the best during his transition. Mr. Evans stated that the Veteran's Memorial dedication was a moving ceremony and thanked the Committee for their efforts. In closing, Mr. Evans wished the community a Happy Thanksgiving.

Mr. Mains thanked Mr. Collinsworth for the years they have served together. He stated that Westerville was gaining a wonderful asset to their community.

Mrs. Blakey wished the Collinsworth family her best in their transition. She encouraged citizens to buy at least one gift in Tipp City to support the local merchants.

Mr. Ochs stated that in his 42 years of working experience he has worked with a lot of professionals and Mr. Collinsworth was one of the best. He stated that Mr. Collinsworth's people skills were exemplary. He has the ability to accept and motivate people and make them feel like family. Since his orientation, Mr. Ochs stated that he has always felt he had Mr. Collinsworth's loyalty, respect, and his caring. Mr. Collinsworth has a reputation for integrity and dedication and it has served him well as he was recently selected as the new City Manager of Westerville. Mr. Ochs stated that it was a great credit to the City of Tipp City that we were able to attract and retain Mr. Collinsworth for over 10 years. He thanked Mr. Collinsworth for a job well done, for all he has done for Tipp City, and wished him and his family the best in Westerville.

President Beagle thanked the Tipp City Rotary for their donation to the Veteran's Memorial Park gazebo. He congratulated Mr. Vath on his appointment to Acting City Manager. President Beagle thanked Mr. Collinsworth and his wife Jane for making Tipp City a great place to live and raise a family. He wished him well in his new endeavor.

**City Manger
Comments**

Mr. Collinsworth noted that the City offices would be closed on Thursday, November 22nd for Thanksgiving but would be open Friday, November 23rd.

Mr. Collinsworth then read the following farewell message: "Nearly 11 years ago, I became aware of a professional opportunity here in Tipp City, an opportunity to advance my career and come to a community that had a very strong reputation as a breeding ground for some of the best talent in the city management profession in Ohio. And after putting my hat in the ring and surviving a couple of interviews, I was offered the city manager's position and accepted. I was told by colleagues and predecessors that if you can manage four or five years in Tipp, you can manage anywhere. So on March 3, 1997, I accepted this challenge and have never looked back. When asked in the interviews

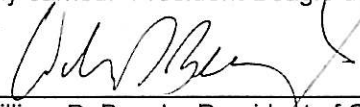
with City Council back then about my expected tenure, I told them that I thought I would stay 5 – 6 years, but perhaps longer if things worked out. Well, things did indeed work out, despite some bumps and bruises along the way and it has amazed me at how quickly the past 10+ years have passed. As I said, in applying for this job, I was really looking for a professional, career move and in the process found opportunities to make new friends and serve a community that has given to me much more than good employment. I wasn't on the job more than three months, for example, when I learned of the impending birth of my first child, Rachel, and before too much longer, two more would come along. And then there were car accidents, the loss of loved ones, and an ugly diagnosis – but through it all, the community (staff, council members, fellow parishioners and citizens of good will) helped us through it and provided us tremendous support. And for this, I am eternally grateful. As for the things that the City has accomplished during my tenure, I cannot begin to take credit for any significant portion of it. As you all know, getting things done in the government setting requires the input, assistance, collaboration and cooperation of people from every corner – council members, staff, contractors, and certainly not least, the citizens. To the staff, I wish to thank you for all your hard work, dedication and support over the years. You are a tremendous asset to the City in delivering efficient services to the citizens of this community. I know that whoever follows me will succeed in large measure by virtue of their good fortune of having you behind them. To City Council, both present and those of the past. I wish to thank you for this opportunity to serve. I am deeply indebted to you for your friendship, guidance and leadership over the years in helping to make this community the best it can possibly be. I count you all as friends and wish you only good fortune in your continued stewardship of the City in the months and years ahead. To the citizens of Tipp City, I can only say that I gave you all that had to provide quality services, ensure an appropriate reinvestment in the community's physical assets, and do so in a fiscally responsible and prudent manner. I said from day one here that Tipp has only good problems when compared to all other communities and I believe that is the case even more so today. Though not all have agreed with me from time to time as to every course of action I have taken or recommended, I never made any such decision without testing it against one bottom line criteria – will this make Tipp City a better place to live, work and play. Finally, I would be sorely remiss if I did not take this opportunity to express my most sincere thanks, appreciation and love for my wife Jane and family who have been a constant source of encouragement and motivation. For the many evenings you have had to endure alone, for your loving reassurance during times of distress, and the selfless sharing you have shown throughout my career - I wish to thank you and publicly acknowledge the sacrifices you have made to ensure my success. I could not have done this without you and I love you more than you can know. Council, thank you again for this opportunity to have served you and the citizens of this great City. We will genuinely miss Tipp City as it will hold a special place in our hearts for the rest of our lives." He thanked Council for the reception before the meeting and the plaques provided to him. He stated that he and his family will genuinely miss Tipp City as it will hold a special place in their hearts for the rest of their lives.

Executive Session

President Beagle moved to adjourn to Executive Session to discuss pending litigation to include the City Manager, Acting City Manager, Law Director, and Utilities Director, seconded by Mayor Lovett. The motion carried. Council adjourned to Executive Session at 8:52 p.m.

Adjourn

The meeting reconvened. There being no further business, it was moved by Mr. Evans, seconded by Mr. Hale, that the meeting be adjourned. The motion unanimously carried. President Beagle declared the meeting adjourned at 9:38 p.m.


William D. Beagle, President of Council

Attest:


Misty Cheshire, Clerk of Council

